

GERMANY

CCPR OPTIONAL PROTOCOL

RESERVATIONS AND DECLARATIONS

(Unless otherwise indicated, the reservations and declarations were made upon ratification, accession or succession)

Reservation:

"The Federal Republic of Germany formulates a reservation concerning article 5 paragraph 2 (a) to the effect that the competence of the Committee shall not apply to communications

a) which have already been considered under another procedure of international investigation or settlement, or

b) by means of which a violation of rights is reprimanded having its origin in events occurring prior to the entry into force of the Optional Protocol for the Federal Republic of Germany

c) by means of which a violation of article 26 of the [said Covenant] is reprimanded, if and insofar as the reprimanded violation refers to rights other than those guaranteed under the aforementioned Covenant."

OBJECTIONS MADE TO OTHER STATES PARTIES RESERVATIONS AND DECLARATIONS

(Ed. note: for the text targeted by the following objections, see the Reservations and Declarations of the State which is the subject of the objection)

26 August 1999

With regard to the reservation made by Guyana upon accession:

"The purpose of the Protocol is to strengthen the position of the individual under the Covenant. While the Government of the Federal Republic of Germany welcomes the decision of the Government of Guyana to reaccede to the Optional Protocol it holds the view that the benefits of the Optional Protocol should not be denied to individuals who are under the most severe sentence, the sentence of death. Furthermore, the Government of the Federal Republic of Germany is of the view that denunciation of an international human rights instrument followed by immediate reaccession under a far reaching reservation may set a bad precedent.

The Government of the Federal Republic of Germany objects to the reservation. This objection shall not preclude the entry into force of the Optional Protocol between the Federal Republic of Germany and Guyana".

Note

The Government of Trinidad and Tobago acceded to the Optional Protocol on 14 November 1980. On 26 May 1998 the Government of Trinidad and Tobago informed the Secretary-General of its decision to denounce the Optional Protocol with effect from 26 August 1998. On 26 August 1998, the Government of Trinidad and Tobago re-acceded to the Optional Protocol with a reservation. On 27 March 2000, the Government of Trinidad and Tobago notified the Secretary-General that it had decided to denounce the Optional Protocol for the second time with effect from 27 June 2000.

The Secretary-General received communications from the following States on the dates indicated hereinafter:

...

Germany (13 August 1999);

“The purpose of the Protocol is to strengthen the position of the individual under the Covenant. While the Government of the Federal Republic of Germany welcomes the decision of the Government of Trinidad and Tobago to re-accede to the Optional Protocol it holds the view that the benefits of the Optional Protocol should not be denied to individuals who are under the most severe sentence, the sentence of death. Furthermore, the Government of the Federal Republic of Germany is of the view that denunciation of an international human rights instrument followed by immediate re-accession under a far reaching reservation may set a bad precedent.

The Government of the Federal Republic of Germany objects to the reservation. This objection shall not preclude the entry into force of the Optional Protocol between the Federal Republic of Germany and Trinidad and Tobago.”

...

(Note 1, Chapter IV.5, Multilateral Treaties Deposited with the Secretary-General)